



CDSS

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DEPARTMENT OF SOCIAL SERVICES
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December 1, 2017

TO: OFFICE OF ADMINISTRATIVE LAW
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

FROM: KENNETH JENNINGS, Regulations Analyst *KJ 12/1/17*
Office of Regulations Development

SUBJECT: SERVICE DOG DEFINITION (ORD #0617-13)

The California Department of Social Services respectfully submits the aforementioned regulations package for a Section 100 review to the Office of Administrative Law.

This amendment to Manual of Policies and Procedures (MPP) section 46-430(s)(2) "Service Dog" is to make changes without regulatory effect per California Code of Regulations Title 1, Division 1, Section 100(a), which allows a change that does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of the MPP to be a change without regulatory effect; Section 100(a)(1), which allows for renumbering, reordering, or relocating a regulatory provision; Section 100(a)(4), which allows to revise for structure, syntax, cross-reference, grammar, or punctuation; and, Section 100(a)(5), which allows changing a reference citation.

Because Section 46-430(s)(2) does not mention "psychiatric, intellectual, or other mental disability," it is currently out of alignment with federal law at 28 CFR 35.104 definition for service animal. This amendment aligns and reorganizes Section 46 - 430(s)(2) from one paragraph to restructuring, relocating, and renumbering at new subsections (2)(A) through (2)(B)(8), including adding federal mandated language regarding psychiatric, intellectual, or other mental disability from 28 CFR 35.104 definition for service animal (reference added).

Therefore, to align with federal law, the Department has no discretion regarding the added language and it is a direct duplication of the federal language applicable to "Service Dog" definition at Section 46-430(s)(2).

Attachments

NOTICE OF PUBLICATION OF REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (1-01-2013)

OAL FILE
NUMBERS

NOTICE FILE NUMBER

Z-

REGULATORY ACTION NUMBER

2017-1201-02N

EMERGENCY NUMBER

For use by Office of Administrative Law (OAL) only

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OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Social Services

AGENCY FILE NUMBER (if any)

ORD #0617-13

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Service Dog Definition	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	46-430
TITLE(S) MPP	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

PETE CERVINKA, Chief Deputy Director

Amend Section 46-430 to read:

**46-430 SPECIAL NEEDS - FOOD, CARE, AND MAINTENANCE
FOR ASSISTANCE DOGS**

46-430

.1 Definitions.

For the purpose of the Assistance Dog Special Allowance Program, the following definitions shall apply wherever the terms are used throughout Section 46-430.

(a) (1) (Continued) through

(s) (1) (Continued)

(2) "Service Dog" means a ~~any~~ dog that has been trained to meet a physically disabled person's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheel chair, or fetching dropped items is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

(A) The work or tasks performed by a service animal must be directly related to the individual's disability.

(B) Work or tasks include, but are not limited to:

1. Providing non-violent protection or rescue work.

2. Pulling a wheelchair.

3. Assisting an individual during a seizure.

4. Alerting individuals to the presence of allergens.

5. Fetching dropped items.

6. Retrieving items such as medicine or the telephone.

7. Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

8. Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

(C) The following do not constitute "work" or "tasks" for the purposes of this definition:

1. The crime deterrent effects of an animal's presence.
2. The provision of emotional support, well-being, comfort, or companionship.

(3) (Continued) through

.7 (Continued)

Authority Cited: Sections 10553, 10554, 12500, 12553 and 18943, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 12500, 12553 and 12554, Welfare and Institutions Code; Section 1614(a)(2), Title XVI of the Social Security Act; Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code; 42 U.S.C. Section 401, et seq.; and Section 54.1, Civil Code; Division 9, Part 6, Chapter 10.3 of the Welfare and Institutions Code (commencing with Section 18937); and 28 CFR 35.104.